

House File 668 - Introduced

HOUSE FILE 668

BY HANSON

A BILL FOR

1 An Act providing for the incidental sale of unpasteurized milk,
2 or milk products manufactured from such milk, by producers
3 holding a permit issued by the department of agriculture and
4 land stewardship.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 137D.1, subsection 3, Code 2015, is
2 amended to read as follows:

3 3. "*Home food establishment*" means a business on the
4 premises of a residence in which prepared food is created
5 for sale or resale, for consumption off the premises, if the
6 business has gross annual sales of prepared food of less than
7 twenty thousand dollars. However, a home food establishment
8 does not include a any of the following:

9 a. A residence in which food is prepared to be used or sold
10 by churches, fraternal societies, charitable organizations, or
11 civic organizations.

12 b. The premises of a dairy farm where unpasteurized milk,
13 or a milk product manufactured from such milk, is sold by a
14 producer possessing a valid permit under section 192.107 to a
15 purchaser as provided in section 192.103A.

16 Sec. 2. Section 137F.1, subsection 7, Code 2015, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *n.* The premises of a dairy farm where
19 unpasteurized milk, or a milk product manufactured from such
20 milk, is sold by a producer possessing a valid permit under
21 section 192.107 to a purchaser as provided in section 192.103A.

22 Sec. 3. Section 191.2, Code 2015, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 5A. *a.* A bottle or other container holding
25 unpasteurized milk or a milk product manufactured for sale by
26 a producer as provided in section 192.103A shall contain the
27 following label:

28 Warning: This milk or milk product has not been pasteurized
29 and may contain harmful bacteria. Pregnant women, children,
30 the elderly, and individuals with lowered resistance to disease
31 have the highest risk of harm from use of this product.

32 *b.* The producer shall affix the label to the bottle or
33 other container prior to making the sale as provided in section
34 192.103A.

35 Sec. 4. Section 192.103, Code 2015, is amended to read as

1 follows:

2 **192.103 Sale of grade "A" milk to final consumer —**
3 **impoundment of adulterated or misbranded milk — exception.**

4 1. Only grade "A" pasteurized milk and milk products
5 shall be sold to the final consumer, or to restaurants, soda
6 fountains, grocery stores, or similar establishments; except in
7 an emergency, the sale of pasteurized milk and milk products
8 which have not been graded, or the grade of which is unknown,
9 may be authorized by the secretary, in which case, such
10 products shall be labeled "ungraded".

11 2. No person shall within the state produce, provide, sell,
12 offer, or expose for sale, or have in possession with intent
13 to sell, any milk or milk product which is adulterated or
14 misbranded; except, in an emergency, the sale of pasteurized
15 milk and milk products which have not been graded, or the grade
16 of which is unknown, may be authorized by the secretary, in
17 which case such products shall be labeled "ungraded".

18 3. Any adulterated or misbranded milk or milk product
19 may be impounded by the secretary or authorized municipal
20 corporation and disposed of in accordance with applicable laws
21 or regulations.

22 4. Notwithstanding subsections 1 through 3, a producer
23 may incidentally sell unpasteurized milk, or a milk product
24 that the producer manufactured from such milk, as provided in
25 section 192.103A.

26 **Sec. 5. NEW SECTION. 192.103A Sale of unpasteurized milk**
27 **or milk products.**

28 1. As used in this section, "*immediate family member*"
29 means a spouse, son, daughter, brother, sister, uncle, aunt,
30 first cousin, nephew, niece, father-in-law, mother-in-law,
31 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
32 father, mother, stepfather, stepmother, stepson, stepdaughter,
33 stepbrother, stepsister, half brother, or half sister.

34 2. A producer possessing a valid permit under section
35 192.107 may incidentally sell unpasteurized milk suitable to

1 be processed as grade "A" pasteurized milk or a milk product
2 that the producer manufactures from such milk as provided in
3 this section.

4 3. The milk or milk product must be produced, sold,
5 and transferred at the producer's dairy farm where the
6 unpasteurized milk is produced.

7 4. a. The milk or milk product must satisfy standards
8 established by the department which shall to every extent
9 feasible be based on the "Grade 'A' Pasteurized Milk Ordinance"
10 as provided in section 192.102.

11 b. The producer must furnish a container that holds the milk
12 or milk product. The container must be sanitized according to
13 requirements adopted by the department that to every extent
14 feasible shall be based on the "Grade 'A' Pasteurized Milk
15 Ordinance". The producer shall affix a label to the container
16 as required pursuant to section 191.2 prior to the sale.

17 5. a. The sale of the milk or milk product must be made
18 on a retail basis to a purchaser who is an individual. The
19 milk or milk product shall not be used other than for personal
20 consumption by the purchaser or the purchaser's immediate
21 family member.

22 b. Notwithstanding paragraph "a", the purchaser or the
23 purchaser's immediate family member may use the milk to
24 manufacture a milk product for the personal consumption of the
25 purchaser or an immediate family member of the purchaser.

26 Sec. 6. Section 192.122, Code 2015, is amended to read as
27 follows:

28 **192.122 Milk bottles to be marked.**

29 1. Bottles or jars used for the sale of milk shall have
30 clearly blown or permanently marked in the side of the bottle,
31 the capacity of the bottle, and on the bottom of the bottle
32 the name, initials, or certification mark of the manufacturer.
33 The designating number shall be furnished by the department on
34 request.

35 2. Subsection 1 does not apply to a bottle or jar that

1 contains unpasteurized milk sold under section 192.103A.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill amends the "Iowa Grade `A' Milk Inspection
6 Law" (Code chapter 192), by allowing a person who operates
7 a dairy farm pursuant to a permit (permit holder) issued by
8 the department of agriculture and land stewardship to sell
9 milk that is unpasteurized or milk products manufactured from
10 such milk to individuals on a retail basis. The milk or milk
11 product must be sold on the premises of the dairy farm and used
12 for the personal consumption of the purchaser or immediate
13 family member. The purchaser or immediate family member may
14 use the milk to manufacture a milk product for consumption
15 by the same individuals. The person holding the permit is
16 responsible for sanitizing the milk container and labeling the
17 container. The person is exempted from regulations otherwise
18 applicable to food establishments (Code chapter 137F) or home
19 food establishments (Code chapter 137D) regulated by the
20 department of inspections and appeals.